IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 1738 of 1998**

Between:

M.Anjaiah, S/o Muthaiah,
A.P.S.R.T.C., Presently working in Siricilla Depot,

Karimnagar Dist.

**.... PETITIONER**

AND

1. The Depot manager, A.P.S.R.T.C., Karimnagar-II Depot,

Karimnagar District.
2 The Labour Court, Godhavarikhani,

rep by its Presiding Officer.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction especially one in the nature of a writ of certiorari to call for the records relating to and connected with the G.O.Rt.No.1419 Labour, Employment & training (lab.I) Dept. dt.7.6.1995 and set aside the award of the Industrial Tribunal-cum-Labour Court, Godavarikhani passed in I.D.Noi.159/93, dt.29.3.1995 and quash or set aside that portion of the award treating the appointment of the petitioner as fresh conductor and depriving all consequential benefits such as continuity of service, back wages, salary or emoluments with consequential promotion and direct the respondents to grant the petitioner all consequential benefits such as continuity of service, back wages and other emoluments and consequential benefits flowing there from.

**Counsel for the Petitioner: MR.K.PHANI RAJ**

**Counsel for the Respondent No.1: MRS.A.VYJAYANTHI, STANDING COUNSEL FOR APSRTC. Counsel for the Respondent No.2: G.P. FOR LABOUR**

**The Court made the following :**

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**ORAL ORDER:**

This writ petition is filed challenging the award dated 29.3.1995, passed by the Labour Court, Godavarikhani, in I.D.No.159 of 1993, insofar as denial of continuity of service.

The petitioner was appointed as a conductor in APSRTC in the year 1987 and was working at Karimnagar-II depot. While the petitioner was conducting the bus on 27.3.1993, on the route Karimnagar-Kaleshwaram, a check was exercised at stage No.23 by the officials of the corporation, and certain irregularities in respect of cash and tickets were detected. Basing on the said irregularities, charge sheet was issued to the petitioner calling for his explanation. A detailed enquiry was conducted into the matter and the charge framed against the petitioner was held to be proved. Basing on the said enquiry, and after following due procedure the petitioner was removed from service on 6.7.1993. Aggrieved by the same, the petitioner preferred an appeal and a revision before the authorities of the Corporation, and they were dismissed. Ultimately, the petitioner raised the dispute before the Industrial Tribunal-cum-Labour Court, Godavarikhani, under Section 2-A (2) of Industrial Disputes Act, 1947 (for short "the Act"). Before the Labour Court, the petitioner did not question the validity of the enquiry, and filed a memo before it to consider his case under Section 11-A of the Act.

Before the Labour Court, though no oral evidence was adduced on behalf of the workman, Exs.W-1 to W-3 were marked on his behalf, and on behalf of the management, Exs.M-1 to M-21 were marked. Basing on the evidence on record, the Labour Court came to the conclusion that though past conduct of the petitioner was not satisfactory and the charges were proved, the punishment imposed was disproportionate to that of the misconduct proved, and therefore, directed that the petitioner be appointed as a fresh conductor. The Court further made it clear that in pursuance of the award passed by it, for a period of one year from the date of actual reporting to duty, the workman shall be paid only 75% of his salary.

It is curious to note that the Labour Court noticed that the petitioner was

engaged on 23.3.1987 on daily wage basis, and within a short span of time, he was inflicted with several punishments, like keeping under put off duty once and removal from service and reinstatement into service, in pursuance of an award passed by the Labour Court in I.D.No.422 of 1990, prior to this case, and thus, he was bereft of clean record. Nonetheless, the Labour Court has taken a lenient view of the matter while exercising its powers under Section 11-A of the Act, and directed appointment of the petitioner afresh as conductor.

In view of the above, I am of the opinion that the Labour Court itself has taken a lenient view of the matter and granted the relief of appointment afresh, and therefore, the question of interfering with the award passed by the Labour Court does not arise for granting any further relief.

The writ petition is accordingly dismissed. No costs.

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19th November, 2004.

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To

1. The Depot manager, A.P.S.R.T.C., Karimnagar-II Depot,

Karimnagar District.

2 The Presiding Officer, Labour Court, Godhavarikhani,

Karimnagar District.

3. Two C.Cs to the Govt.Pleader for Labour,

High Court buildings, Hyderabad (OUT).

4. Two C.D.copies